In the High Court of Uttaranchal, at Nainital.

Writ Petition No. 1242(M/B)/2004

Naresh Kumar Gupta,
S/o Dudh Raj, R/o Ward No. 25,
Nehru Nagar, Khatima
District Udham Singh Nagar …….. Petitioner.

Vs.

1- District Magistrate, Udham Singh Nagar.
2- Tehsildar, Khatima, District U.S. Nagar.
3- Oriental Bank of Commerce, through
its Manager, Khatima
District U.S. Nagar. …….. Respondents.

Sri B.S. Khanka, learned counsel for the petitioner.
Sri Ashish Joshi, learned counsel for respondent no.3.

Dated: 22-12-2004
Coram: Hon'ble Irshad Hussain, J.
Hon'ble B.S. Verma, J.

(P.C.:)

The petitioner has filed this writ petition under Article 226 of the Constitution of India, for issue or a writ, order or direction in the nature of certiorari to quash the impugned order dated 31.8.2004 passed by the respondent No.2, issuing citation for the recovery of Rs. 88,668/- plus interest.

2- The petitioner was unemployed and therefore he applied for grant of loan under Prime Miminster's Rojgar Yojna. In the year 2000 he was granted loan of Rs. 80,000/-. According to the petitioner his business ran into loss and he could not repay the loan. So far he has paid only Rs. 14,000/-. Steps were initiated for recovery of the amount and the citation was issued way back in the month of August 2004. Considering the averments made in the affidavit that he is unable to pay the money in lump sum on account of business loss it appear just and proper that facility of instalments may be provided to the petitioner.

3- Considering the amount of loan, it is directed that the petitioner shall pay the amount including the recovery charges, in quarterly instalments of Rs. 30,000/- (thirty thousands) each. First instalment shall be due payable on 31.1.2005 and thereafter subsequent instalments on expiry of every three months. In default of

payment of any single instalment, the remaining amount due shall be recoverable in lump sum together with incidental charges etc.

4- With this the petition is finally disposed of.

(B.S. Verma, J.) **(Irshad Hussain, J.)**

ISB